

HCS HB 1423 -- ETHICS

SPONSOR: Roeber

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elections and Elected Officials by a vote of 7 to 2. Motion to "Do Pass" failed by the Rules- Administrative Oversight Committee by a vote of 5 to 7. Motion "To Reconsider" passed by the Rules- Administrative Oversight Committee by a vote of 8 to 3. Voted "Do Pass" by the Rules- Administrative Oversight Committee by a vote of 6 to 5.

This bill prohibits the contribution or expenditure of public funds, including public resources or specified property, by any officer, board member, director, administrator, employee, or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office.

The bill does not prohibit these individuals from making public appearances or from issuing press releases concerning any such ballot measure. The bill does allow the use of legislative liaisons by political subdivisions and special districts to communicate information to the General Assembly about their policies and procedures.

If a contribution or expenditure of public funds to any person results in the use of any part of such funds to advocate, support, or oppose any ballot measure or candidate for public office, the contribution or expenditure is in violation of the bill.

Any resident of a political subdivision who wishes to challenge a contribution or expenditure of public funds may bring an action in any circuit court of the political subdivision in which any alleged violation occurred. The political subdivision and the officer, board member, director, administrator, employee, or agent who allegedly violated this section shall be named as party defendants. The petition shall set forth the contribution, expenditure, or contribution and expenditure at issue and the facts that gave rise to a violation and shall pray leave to produce such proof. The court shall consider the petition and evidence, hear arguments, and in its decision determine whether a violation of this section occurred. If the court decides the contribution or expenditure of public funds was a violation, then the court may award attorney fees and the political subdivision shall be subject to a civil penalty in an amount 10 times the amount of the contribution or expenditure or \$1,000 whichever is greater or, if the violation involved only use of public resources, then a civil fine not to exceed \$1000, for those offenses that are committed by specified administrators or board members.

These penalties can also be applied for subsequent offenses committed by employees of a political subdivision. However, initial employee offenses shall not result in penalties for the political subdivision except that plaintiff's attorney fees may be awarded.

This bill is similar to HB 269 (2017).

PROPONENTS: Supporters say that the bill will prevent use of public resources in political campaigns or lobbying regarding legislation by public employees such as teachers. It strengthens existing penalties and clarifies the law.

Testifying for the bill were Representative Roeber; United for Missouri; and Woody Cozad, First Rule, Inc.

OPPONENTS: Those who oppose the bill say that it could result in expensive penalties for school districts on the basis of rogue employees who act without knowledge of the law.

Testifying against the bill was the Missouri School Boards Association.